

The 12mm-Winchester-Gun and the Global South in Comparative Constitutional Law

Symposium accompanying the 50-year anniversary conference of our partner journal VRÜ

MICHAEL RIEGNER — 13 July, 2017



This week, our partner journal Verfassung und Recht in Übersee (VRÜ) / Law and Politics in Asia, Africa and Latin America celebrates its 50th birthday with an international conference on “The Global South in Comparative Constitutional Law” in Berlin. We will accompany this conference with an online symposium also featured on the blog of the International Association of Constitutional Law. The symposium is not only intended to make the conference presentations and debates accessible to audiences outside Berlin. It is also an occasion to reflect more specifically on the relationship between international law and comparative constitutional law through the historical lens of the VRÜ journal. The journal’s online archive, freely accessible and searchable, offers a treasure trove of historical materials on 50 years of scholarly engagement with legal developments outside Europe and North America.

Comparative constitutional law and the international

When the VRÜ journal first appeared in 1968, its inaugural issue contained comparative articles on “Federalism in Nigeria” and “Amparo remedies in Mexico” alongside international law contributions entitled “Africa demands a new international law” and “Investment Arbitration under the ICSID-Convention”. In his programmatic opening article, founder and editor-in-chief Herbert Krüger declared the constitutional orders in Third World countries, now having acquired independent statehood, worthy of comparative inquiry and called for contributions from authors based in those newly independent states. Steeped in modernization theory and vastly overestimating the transformative potential of the independence constitutions, Krüger’s program long remained marginal in German public law, as editor Brun-Otto Bryde remarked later in his 30-year re-appraisal of the journal. Still, the journal did succeed in its call for transnational engagement from and with the South: Since 1968, VRÜ has continuously published a mix of authors from both Southern and Northern countries.

Interestingly, the Southern voices frequently brought an international law dimension to

what Krüger had initially framed as an exercise in comparative constitutional law. Many others followed the first international law contribution in the inaugural issue, a [reprint of the speech “Africa demands a new international law”](#) by the Senegalese foreign minister Doudou Thiam, delivered at the first [G77 conference in Algiers](#) (also referred to as the “economic [Bandung](#)” conference). This new international law implied, according to Thiam, the repudiation of old international economic rules that prevented real self-determination of Third World countries.

The German editors took Third World internationalism no less seriously: In the second volume, managing editor Dieter Schröder [published a review](#) of the journal [Tricontinental](#), founded in 1967 in the wake of the [tricontinental conference in Havana](#). Before turning to a review of revolutionary political theory and development economics, Schröder took issue with the last page of *Tricontinental*. In each edition, this last page was devoted to a particular weapon to be used in revolutionary struggle: Issue seven featured the 12mm-Winchester-Gun, issue eight the Molotow-Cocktail (“Remember: the closer you are to the target, the better your results.”). Schröder’s skepticism of this call to arms is expressed in the title of his review article: “The 12mm-Winchester-Gun: The solution of the problem of the ‘Third World?’”

The Global South in contemporary legal scholarship

Today, the context [has changed](#). Scholarship on and from the Global South, and with it journals like the VRÜ, have acquired new salience. The anniversary conference and our symposium thus take up an [ongoing debate](#) on the role of the Global South in comparative constitutional law. Our contributors will address a series of contemporary questions on comparative constitutional law and its relationship to the international. For instance, what comparative perspectives and methods underlie Global Constitutionalism? Why has no equivalent to [TWAIL](#) emerged in comparative constitutional scholarship? Is the “Global South” a useful analytical category at all?

To address such puzzles, Florian Hoffmann’s contribution will expose epistemic frameworks and foundations, Zoran Oklopcic will ask what a Third World Approach to Comparative Constitutional Law might look like, and Vidya Kumar will address the role of the South in Global Constitutionalism. Other authors will inquire into specific comparative themes of constitutionalism in the Global South, such as transformative constitutionalism (David Bilchitz) or authoritarian constitutions (Roberto Niembro). The upcoming introductory post by Philipp Dann will elaborate on the conference theme and the “Global South” category. The full conference program is available [here](#), and all symposium contributions will be accessible [here](#). We cordially invite contributions and comments from our readers in response to specific posts or the entire symposium.

Finally, this blog symposium is also an occasion to raise questions about the research infrastructures in international and comparative legal scholarship. Pay walls, peer reviews and calls for papers do have a disparate impact in the North and South. [Open access](#)

international and comparative legal scholarship. What needs to change so that scholars from the South can write about the North in the same way than authors from the North have been writing about the South? If the Winchester gun was not the solution, then what are the epistemic weapons of the South in our digital age?

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